

1
2
3
4
5
6
7
8
9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 IN RE: CATHODE RAY TUBE (CRT)
14 ANTITRUST LITIGATION

Case No. Master File No. 3:07-cv-05944-SC

MDL NO. 1917

15 This Document Relates to:

16 *All Indirect Purchaser Actions*

17
18 *Electrograph Systems, Inc., et al. v. Hitachi,*
Ltd., et al., No. 3:11-cv-01656-SC;

19 *Alfred H. Siegel as Trustee of the Circuit City*
20 *Stores, Inc. Liquidating Trust v. Hitachi, Ltd., et*
21 *al., No. 3:11-cv-05502-SC;*

22 *Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al.,*
No. 3:11-cv-05513-SC;

23 *Target Corp, et al. v. Chunghwa Picture Tubes,*
24 *Ltd., et al., No. 3:11-cv-05514-SC;*

25 *Sears, Roebuck and Co. and Kmart Corp. v.*
26 *Chunghwa Picture Tubes, Ltd., No. 3:11-cv-*
27 *05514-SC*

**[PROPOSED] ORDER GRANTING THE
HITACHI DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT BASED
UPON WITHDRAWAL AND THE
STATUTES OF LIMITATIONS**

28
[PROPOSED] ORDER GRANTING HITACHI'S MOTION
FOR SUMMARY JUDGMENT BASED UPON
WITHDRAWAL AND STATUTES OF LIMITATIONS

CASE No.: 3:07-cv-05944-SC
MDL No.: 1917

1 *Interbond Corporation of America, d/b/a*
2 *BrandsMart USA v. Hitachi, et al.,*
3 No. 3:11-cv-06275-SC;

4 *Office Depot, Inc. v. Hitachi, Ltd., et al.,*
5 No. 3:11-cv-06276-SC;

6 *CompuCom Systems, Inc. v. Hitachi, Ltd.,*
7 *et al.,* No. 3:11-cv-06396-SC;

8 *Costco Wholesale Corporation v. Hitachi,*
9 *Ltd., et al.,* No. 3:11-cv-06397-SC;

10 *P.C. Richard & Son Long Island Corporation, et*
11 *al. v. Hitachi, Ltd., et al.,* No. 3:12-cv-02648-SC;

12 *Schultze Agency Services, LLC on behalf of*
13 *Tweeter OPCO, LLC and Tweeter Newco, LLC v.*
14 *Hitachi, Ltd., et al.,* No. 3:12-cv-02649-SC;

15 *Tech Data Corporation, et al. v. Hitachi,*
16 *Ltd., et al.,* No. 3:13-cv-00157-SC

After full consideration of the evidence, briefs and authorities, and oral argument of counsel, the Court finds that there is no triable issue of material fact as to the causes of action asserted in the operative complaints of the Indirect Purchaser Plaintiffs and each of the Direct Action Plaintiffs in the above-captioned cases as to Hitachi, Ltd. (“HTL”), Hitachi Displays, Ltd. (“HDP”), Hitachi Asia, Ltd. (“HAS”), Hitachi America, Ltd. (“HAL”) and Hitachi Electronic Devices (USA), Inc. (“HED(US)”) (collectively, the “Hitachi Defendants”). The Hitachi Defendants are therefore entitled to judgment as a matter of law.

IT IS HEREBY ORDERED that the Hitachi Defendants’ Motion For Summary Judgment Based Upon Withdrawal And The Statutes of Limitations is GRANTED:

1) The Hitachi Defendants are not subject to liability for any acts in furtherance of the alleged conspiracy after March 20, 2003, when the Hitachi Defendants exited the CRT industry and therefore withdrew from the alleged conspiracy.

2) With the exception of claims under Wisconsin and Vermont law, all claims of the Indirect Purchaser Plaintiffs and each of the Direct Action Plaintiffs in the above-captioned cases against the Hitachi Defendants are barred in their entirety by the applicable statutes of limitations and are dismissed because they were filed more than four years after the Hitachi Defendants exited the CRT industry and withdrew from the alleged conspiracy. With respect to the state-law claims under Wisconsin and Vermont law, which are subject to six-year statutes of limitations, all such claims arising outside the limitations period are barred and dismissed.

IT IS SO ORDERED.

Dated: _____

Hon. Samuel Conti
United States District Judge